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ABSTRACT

A study of the criminal justice system in New York City found that blame has been thrust on the judges, the police, the district attorneys, and the probation officers. To find out if there is, indeed, a system of criminal justice and if the necessary responsibilities, authority, and accountability for the successful conclusions to steps in the system exist, the first task has been to determine how the presumed system is structured and functioning. This guide, in outline form, describes in part I the highlights of the steps involved in the path from arrest to disposition of an adult suspect/defendant. Part II outlines the steps that are followed when the suspect/defendant is a juvenile. Accompanying the test are an organization chart illustrating relationships discussed in the narrative; a glossary of 63 terms; and statements clarifying the definitions of Persons in Need of Supervision (PINS), juvenile delinquency, and juvenile offenders. (MLF)

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A GUIDE TO OUR CRIMINAL JUSTICE SYSTEM

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Prepared for

The Criminal Justice Committee

League of Women Voters City of New York

Co-Directors

Lorraine W. Addelston and Helen E. Harden

December, 1982

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EA 017 087

League of Women Voters of the City of New York Education Fund

A GUIDE TO OUR CRIMINAL JUSTICE SYSTEM

Introduction:

The League of Women Voters of the City of New York, as part of its purpose to promote informed and active citizen participation in government, has undertaken a study of the criminal justice system in New York City. This has been done under the general theme:

Building Toward a Better New York

In taking the pulse of the citizens of our city, The Committee on Criminal Justice learned blame has been thrust upon the judges, the police, the district attorneys, the probation officers et al in turn. The resulting questions became: Is there a system of criminal justice? Does anyone know how, from whom and to whom justice flows? Whose responsibilities are the successful conclusions to steps in the system? Where is the authority? Where is the accountability? How can we seek improvements to better our city?

Our first step has been to determine how the presumed system is structured and functioning. When we know what the system purports to do, we can proceed to evaluate and to make suggestions for improvement. To accomplish the first step we have prepared A GUIDE TO OUR CRIMINAL JUSTICE SYSTEM and an ORGANIZATION CHART OF THE N.Y.C. CRIMINAL JUSTICE SYSTEM. These are the work of a sub-committee chaired by Dr. Grace S. Wachs of our Committee on Criminal Justice, assisted by Jay Cohen, Legislative Counsel of the Office of the Coordinator of Criminal Justice of the Mayor of the City of New York and Dr. William Wachs, Consultant.

Additional materials included in the Guide are presented with the approval of Judge Edith Miller, Deputy Administrative Judge of the Family Court, Paul Strasburg, Commissioner of Juvenile Justice, and Inspector Thomas Gallagher, Commanding Officer of the Police Department's Youth Division.

We are also indebted to the following persons for conferring with Jay Cohen and offering their expertise: David Barnes, Executive Assistant to the Deputy Chief Administrative Judge, Office of Court Administration, New York State; Deputy Chief John Moran, Commanding Officer, Criminal Justice Bureau, New York City Police Department; Richard Ross, Assistant Director of the Major Violent Offender Trial Program, New York State Division of Criminal Justice Services.

Lorraine W. Addelston, Editor.

THE PATH FROM ARREST TO DISPOSITION - A NARRATIVE

The Structure and Function of The New York City Criminal Justice System

Report of Ad Hoc Sub-Committee consisting of:
Jay Cohen, Legislative Counsel to New York City
Coordinator of Criminal Justice

Dr. Grace S. Wachs, League of Women Voters
Committee on Criminal Justice

Dr. William Wachs, Consultant

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I. Where the suspect/defendant is an adult:
   A. A New York City Police Officer arrests an adult and notifies him* that he is under arrest.
      1. First subsequent step:
         a. If he wishes to question the suspect/defendant, the Police Officer reads him his rights (in keeping with the "Miranda Decision") and gets from him whatever information he can.
         b. The Police Officer also speaks to the victim and any available witnesses.
         c. He notes all of this information in his notebook.
      2. The next step depends on the seriousness of the offense.
         a. If the offense is a Penal Law or an Administrative Code *violation*, the Officer can issue the suspect/defendant a summons, directing him to appear in Criminal Court on a designated date in the future.
         b. For all other offenses (*misdemeanors* or *felonies*), the suspect/defendant is taken by the Arresting Officer to the local Precinct Station House.
            1) There the Arresting Officer informs the appropriate Station House Officer of the circumstances of the arrest.
            2) The Arresting Officer searches the prisoner, relieves him of the contents of his clothing and/or any container he has with him (giving him a receipt), prepares a Complaint Report, fills in an On Line Booking System Work Sheet for the Computer System, and conducts a Warrant Name Check.
            3) If the suspect/defendant is charged with a Penal Law misdemeanor he is fingerprinted by the police department; the prints are referred to the F.B.I. for identification; they are returned to the suspect if he is cleared and requests their return.
            4) Depending on the seriousness of the charges, Detectives and/or Assistant District Attorneys may interrogate the suspect/defendant at the Precinct Station House, in which case he is kept there until they are finished.
            5) The suspect/defendant's eligibility for release on a Desk Appearance Ticket (DAT) is determined.
               a) In New York and Queens Counties, this is done at the Precinct Station House. In the other Counties, it is done at the Central Booking Facility.
               b) Any suspect/defendant arrested for violations and for less serious misdemeanors is eligible for a DAT.

* In this text and context, because of the awkwardness of the English language, "he, his, him" are used and are to be understood to be unrelated to sex and to include "she, hers, and her." This footnote applies to the entire narrative although the asterisk is used only once.

i) Eligibility further depends on the officials' ability to verify the suspect/defendant's identity and address, the lack of outstanding warrants, and/or evidence of drug or alcohol abuse.

ii) A DAT Verification Form is used to determine whether the suspect/defendant has community ties.

3. If the suspect/defendant is deemed eligible for a DAT release:
   a. His property is returned to him by the police.
   b. He is given the DAT and is released.

B. If the prisoner is not given a DAT, he is taken to the Central Booking Facility in the County of Arrest.
   1. The On Line Booking System is updated to reflect the arrest data and relevant court-related paperwork.
   2. The defendant is fingerprinted and photographed and placed in a detention cell.
   3. The defendant is interviewed regarding his eligibility for bail and the pertinent information is added to his file.
   4. Meanwhile, the Arresting Officer (with the victim and/or witnesses, as appropriate) goes to the District Attorney's Complaint Room, where:
      a. If the victim is present he is told he may go to the Victim Service Agency (located in that building) for appropriate help.
      b. An Assistant District Attorney interviews the Arresting Officer and any accompanying witnesses/victims.
   5. The Assistant D.A. decides (according to established guidelines, and as approved by his immediate superior) whether to:
      a. Dismiss the case, in which eventuality:
         1) The suspect/defendant is released and
         2) All relevant files are sealed.

         -or-

      b. Write up a complaint (as a felony or misdemeanor), which serves as the initial, accusatory instrument in the case, in which event another Police Officer takes the defendant to a State Criminal Court House in the same Borough, where he is detained until he can be arraigned.

C. Where a DAT is not involved, the defendant is brought before a Judge of the Criminal Court for arraignment on the complaint.
   1. The following appear before the assigned Judge: an Assistant District Attorney; the defendant (represented by either his own attorney or one appointed by the Judge).
   2. The defendant is advised of the charges against him, and is asked to plead guilty or not guilty.
      a. If a misdemeanor is involved:
         1) The parties are permitted to agree on a guilty plea for a specific crime, and on its sentence.
         2) If agreement has been reached on both a guilty plea and its sentence, the defendant is sentenced at once.
         3) If a guilty plea has been agreed to, but the sentence has *not* been agreed to:
            a) The Probation Department is ordered to conduct a pre-sentence investigation and to make a recommendation to the Judge.
            b) The defendant, in the Judge's discretion, is either released on bail or under other conditions imposed by the Judge or else remanded to custody.
            c) The defendant is returned to Court, where he agrees either to accept the Probation Department's recommendation or a sentence imposed by the Judge after he reads the report.
            d) When the defendant has been sentenced:
               i) If it is (as it probably will be) a fine or probation, he leaves, bail being applied by the Judge only in unusual circumstances.
               ii) In all other cases he is taken to start serving his sentence at once, usually in a City Facility.
      b. In all felony cases, and in any misdemeanor cases in which no guilty plea was taken at arraignment, the Judge decides on:
         1) Bail/release on the defendant's own recognizance, in which case the defendant makes arrangements to meet the requirement, and is released; or

2) No bail (or that the defendant will not meet the decreed bail), in which case the defendant is taken to a New York City Detention Facility (like Riker's Island) until the next step.

c. If a defendant fails to appear for a designated court date, the Judge can issue a warrant for his arrest and appearance.

D. The next step:

1. For a misdemeanor where no guilty plea was agreed on:
   a. The D.A.'s representative and the defendant's attorney may discuss with the Judge (at the bench) a plea and sentence to be agreed on, in which case the previously described steps are taken; or
   b. A date is set for a trial, and the case is adjourned to a Trial Part of the Criminal Court.
2. For a felony:
   a. The D.A.'s office must decide whether:
      1) To reduce the case to a misdemeanor, keep it in Criminal Court and follow the relevant steps described above; or
      2) To hold a preliminary felony hearing in Criminal Court; or
      3) To present the case directly to the Grand Jury (which they usually do).
   b. If the defendant is incarcerated, the preliminary hearing or a Grand Jury-voted indictment must occur within 120 hours (144 if a weekend or holiday intervenes) of the arrest.
   c. If the D.A.'s office decides to:
      1) Hold a preliminary felony hearing in Criminal Court:
         a) Witnesses may testify, subject to cross examination.
         b) The Judge then decides whether:
            i) To dismiss the case (and release the defendant); or
            ii) if there is probable cause to believe the defendant guilty, to order the defendant held for action by the Grand Jury.
      2) Present the case to the Grand Jury, (directly, or because there is probable cause to believe the defendant guilty):
         a) The D.A.'s office calls in the witnesses it wishes to call in (during which time the defendant may not be present).
         b) The defendant may notify the D.A.'s office that he wants to testify and/or wants *his* witnesses to testify.
         c) Unless the Grand Jury decides to dismiss a case, or return it to Criminal Court for prosecution as a misdemeanor, it files an indictment with a Supreme Court Justice in the county where the crime was committed, and the D.A.'s office sees to it that the defendant's attorney is notified of another arraignment in the New York State Supreme Court.

E. At that arraignment:

1. An assistant D.A. and the defendant and his attorney are present.
2. The defendant is informed by the court of the charges in the indictment, and asked to enter a plea.
3. The question of bail is again decided by the Judge.
4. An adjourned date is scheduled for one of the Trial Parts of the Supreme Court.

F. On the adjourned date:

1. The assistant D.A., the defendant's attorney and the Judge discuss the possible resolution of the case (including plea bargaining), and counsel make appropriate pre-trial motions.
2. If the above does not result in a guilty plea,(in which case the same steps are followed as for a conviction of guilty), a date is set for trial.

G. At the trial, before a Judge with or without a jury, either in Criminal (misdemeanor) or Supreme (felony) Court, the results can be:

1. Acquittal (and the release of the defendant); or
2. Guilty (as charged, or to a lesser offense), in which case:
   a. The defendant is either remanded into/kept in custody, or released on bail - pending sentencing and appeal.
   b. In the case of all felonies, and certain misdemeanors, there has to be a pre-sentencing investigation.
      1) The Probation Clerk in the Court assigns a Probation Officer to interview the defendant and the victim, as well as consult appropriate files.

2) The Probation Department makes an appropriate sentence recommendation to the Judge.

H. At the sentencing:
1. An assistant D.A. and the defendant (with his attorney) are present.
2. The Judge chooses a sentence based on any applicable plea-bargaining, The Probation Report, recommendations by both sides, and guidelines in the relevant statutes.
3. If the sentence is:
a. A fine, the Judge determines its amount, to be paid according to a fixed schedule.
b. Probation, the defendant is released and supervised by the City (misdemeanor) or State (felony) Probation Department.
c. Imprisonment, in which case:
1) The New York City Department of Correction takes the convict from the Court to a City Detention Facility.
2) If the sentence exceeds one year, the State Department of Correction picks him up there and transfers him to a State facility for classification, and transfer to the appropriate residential State Prison.

J. A prisoner convicted of a felony (after a number of years of imprisonment provided in his sentence) or of a misdemeanor (after serving 60 days) may apply to the State Parole Board for parole/conditional release.
1. Three members of the Board meet periodically at respective facilities, for hearings on applications, following established guidelines.
2. The convict may have his own attorney present, if he wishes, and the facility can be represented too.
3. If a convict is paroled:
a. He is assigned to a Parole Officer and must report to him periodically.
b. The Parole Officer can, if he deems it wise, petition for the ending of parole before the end of a sentence, and if this is granted, the parolee is discharged from parole.

II. Where the suspect/defendant is a *juvenile* (under 16 and not to be prosecuted as a juvenile offender in adult court) and not designated a Person in Need of Supervision (PINS).
A. A New York City Police Officer arrests a juvenile, and notifies him that he is under arrest.
1. The Police Officer reads the suspect/defendant his rights, and gets whatever pertinent information (*not* including the details of the suspected criminal act) he can from the suspect/defendant, noting this information in his notebook.
2. He takes the juvenile to the local Precinct Station House, where:
a. He tells the Precinct Officer-in-Charge all the pertinent facts.
b. If the charge is a serious one, defined (in the Family Court Act) as a designated felony, he is:
1) Fingerprinted
a) One copy of the New York State Fingerprint Chart is used.
b) The juvenile is requested to sign it.
c) It is then delivered to the FAX terminal of the borough (county) involved.
2) Photographed
a) A Polaroid photo is taken.
b) On the reverse side are listed the juvenile's name, date of birth, mother's full name, date and precinct of the arrest, the arrest number and the crime with which he is being charged.
3) Detained at the Precinct Station House for interrogation.
c. The Officer-in-Charge notifies the juvenile's parents to come for him.
1) If the parents are not going to come/don't come he does not release the defendant.
a) The juvenile is kept separate from adult defendants;
b) If:
i) The Family Court is open, he is taken by car, by an assigned Police Officer, to the Family Court in the county where the crime occurred.
ii) The Family Court is closed, he is taken to the Spofford Detention Center until the next Court Day, when i) above is followed.
2) If the parents are to come:

a) The juvenile is kept separate from adult defendants until they do come;
b) When they come:
i) The juvenile's rights are again read by police in the parents' presence.
ii) The Officer-in-Charge decides whether to release the juvenile (in which case he prepares a Personal Recognizance Form, gives a copy to the parents, informs them to appear at a specified time in Family Court Intake, and releases the juvenile to his parents); or *not* to release the juvenile (in which case he is taken to Family Court if it is open, or to Spofford until the next Court day).

B. The first Family Court step is the appearance by the juvenile and his parents before a Probation Intake Officer.
1. The Intake Officer talks to the juvenile, his parents and the victim.
2. He makes a decision, according to established guidelines, on whether:
a. If no complaint appears, to dismiss, adjust or terminate without adjusting (and, in a serious case, this requires the Court's approval); or
b. To refer the case to a Community Service Agency; or
c. To hold the case open for 60 days (under informal probation), at the end of which time the Probation Intake Officer either dismisses or draws up a Delinquency Petition; or
d. To draw a Delinquency Petition (equivalent to a complaint in Adult Court).

C. A Delinquency Petition is presented to the Family Court Intake Clerk, for the Intake Judge.
1. The Judge assigns an attorney when the juvenile doesn't have one of his own.
2. Depending on the juvenile's age, and how serious the charge is, either a Corporation Counsel or an Assistant District Attorney (according to established guidelines for the prosecution of designated felony offenses) represents the City.
3. Plea bargaining is possible.
4. The case is referred to a hearing part for fact finding (without a jury), and, in the interim, the juvenile is (at the discretion of the Judge) either:
a. Paroled to the custody of his parents; or
b. Remanded to Spofford for detention.

D. At the hearing, the Judge can:
1. Dismiss if the charges are groundless; or
2. Grant the juvenile an Adjournment in Contemplation of Dismissal (ACD) for six months leading either to a dismissal, or to a fact-finding hearing if the juvenile violates the terms of the ACD; or
3. Find that the juvenile committed the offense charged (or a less serious offense) which, if he were an adult, would be either a felony or a misdemeanor, in which event:
a. The case is adjourned for a Dispositional Hearing, the juvenile, according to the Judge's discretion, being detained (in Spofford or a non-secure facility) or released to his parents.
b. The Probation Department undertakes a pre-sentence investigation and makes its recommendation to the Court.
c. At the Dispositional Hearing the Judge can impose any one of the following sentences he wishes, following specific guidelines:
1) To a secure State Division for Youth facility for a specific period; or
2) Probation; or
3) Suspended sentence; or
4) Placement with a voluntary public or private agency (if they will take him), or (in the most serious cases) the State Division for Youth (which must take him); or
5) Dismissal if not in need of supervision, treatment or confinement.

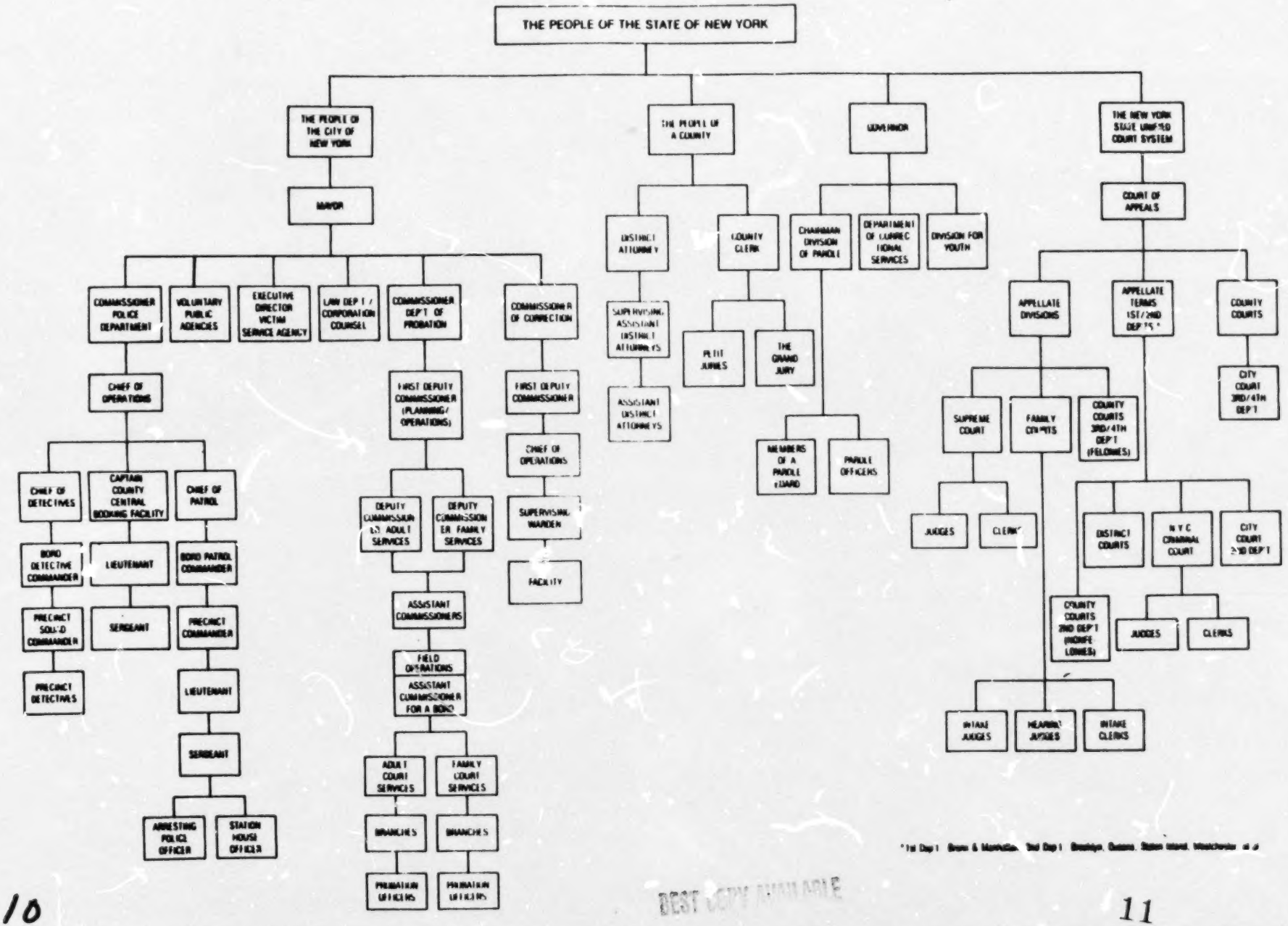
III. Regarding a Person In Need of Supervision (PINS).
A. At any stage of the above procedures a juvenile can be designated PINS.
B. The procedure for a PINS Juvenile is essentially the same as described in II., above, the only difference being that a PINS Juvenile can never be placed in a Division for Youth secure facility.

IV. Regarding Juvenile Offenders treated as Adult Offenders
A. A juvenile offender is treated as an adult offender if:
1. Being between 13 and 16 years old, he commits a homicide; or
2. Being between 14 and 16 years old, he commits any one or more of prescribed offenses.
B. The Arresting Officer makes the original determination, and this determination is reviewed by a Judge at each step

C. The case can be removed to Family Court at any point where the decision is made not to treat the juvenile as an adult.

V. Records relating to juveniles treated under either II. or III., above.
   A. The only record maintained is a record of adjudication as a PINS or Juvenile Delinquent.
   B. It is a confidential record, unavailable to an Adult Criminal Court unless the Family Court finding is that a designated felony has been committed.

ORGANIZATION CHART SHOWING ACCOUNTABILITY RELATIONSHIPS DISCUSSED IN THE NARRATIVE
"FROM ARREST TO DISPOSITION IN THE N.Y.C. CRIMINAL JUSTICE SYSTEM"
AS OF 10/29, 1982



* 1st Dept - Bronx & Manhattan. 2nd Dept - Brooklyn, Queens, Staten Island, Westchester et al

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GLOSSARY

ACD: Adjournment in Contemplation of Dismissal. A decision by the Court to adjourn, usually for six months, during which time the court charges are dismissed and the record is sealed, if the defendant follows the instructions of the Court.

ACQUITTAL: A court decision that a defendant is not guilty of a charged crime.

ADULT: An individual 16 years or more of age.

ADJOURN: Postpone a hearing, a trial, other appropriate action to a later date.

APPEAL: Ask a higher court to review a lower-court decision.

ARRAIGNMENT: An appearance by a defendant before an appropriate judge, where the defendant is informed of the charge(s) against him and that he has a right to counsel, following which the judge decides the course of action to be taken.

ARREST: An action by which a Police Officer detains an individual and notifies him that he's in that Officer's custody.

BAIL: A monetary assurance by the defendant that he will appear at a designated future time and place, lest the money involved be forfeited to the court.

BENCH: The place, below where the judge sits, where one or more attorneys (and perhaps other individuals) converse with the judge privately about matters related to a case.

BENCH WARRANT: An order issued by a judge or court for the arrest of a defendant who has failed to appear in court.

BOROUGH: A political subdivision (Bronx, Brooklyn, Manhattan, Queens, Staten Island) of the City of New York.

CASE: A collection of facts, documents, statements and activities revolving around one or more of the suspects/defendants involved in a court action.

CHARGE: (against a suspect/defendant). A statement to the effect that a suspect/defendant is believed to have committed one or more specified crimes under specified circumstances.

CONDITIONAL RELEASE: A sentence which releases the defendant but requires that certain conditions be fulfilled.

CONVICTION: Act by which a defendant is declared guilty (by a jury and/or judge) of a crime.

COUNSEL: An attorney/attorneys.

COUNTY: A political subdivision of the State of New York. In most cases a County includes a number of cities, townships, towns, villages, and/or school districts. There are five counties (Bronx, Kings, Queens, New York and Richmond) physically located in the City of New York. Each of these counties performs its duties in the way in which any county outside of New York City performs *its* duties. The New York City *Boroughs* (Bronx, Brooklyn, Queens, Manhattan and Staten Island) perform different functions (from the counties with which they are, respectively, geographically coextensive) and are part of New York *City's* government.

CRIME: Either a felony or a misdemeanor.

CROSS EXAMINATION: A series of questions put to a witness (in a trial or hearing) by counsel who did *not* ask him to be a witness.

CUSTODY: Physical control of the movements of a suspect/defendant.

DAT: Desk Appearance Ticket: A summons issued at the time of arrest ordering the defendant to appear in court at a specified time and date (usually for arraignment).

DEFENDANT: In a criminal case, an individual against whom charges (of committing a crime) have been levied.

DETAIN: Keep a suspect/defendant under police/court/other official custody until the next step in the process is taken.

DISMISS (a case): Rule that the charges against a defendant are invalid and that the defendant, being innocent of the relevant crime, is free to leave.

EVIDENCE: One or more statements/tangibles accepted by a Judge or Hearing Officer as bearing on/relevant to the case at hand.

FELONY: An offense for which the sentence exceeds one year in a State Penitentiary.

FINE: An amount of money which a judge imposes on a guilty defendant, to be paid into the court as part or all of his sentence.

GRAND JURY: Sixteen to twenty-three residents of a county, who meet periodically to determine whether there is sufficient evidence to prepare and present an indictment of a defendant whose case has been put before them.

HEARING: An activity like a trial, where the Hearing Officer is not a Judge but some other authorized official.

HOMICIDE: A crime resulting in the death of an individual.

INDICTMENT: A written accusation by a Grand Jury, filed with an appropriate Court, against a defendant, charging him with one or more offenses.

JURY (Petit): A body of individuals sworn in (by a judge or other authorized official) to hear the evidence in a particular case and determine the facts of that case.

JUVENILE: An individual under 16 years of age.

JUVENILE DELINQUENT: See Appendix B.

MIRANDA DECISION: A decision of the U.S. Supreme Court (in a case when Mr. Miranda was the defendant) which requires that all suspects/defendants be "read their rights" if their convictions are to be held proper.

MISDEMEANOR: An offense (other than a traffic infraction) for which the sentence runs between more than 15 days and not more than one year in jail.

MOTION: A formal request by counsel for a judge's decision on a specific matter.

OFFENSE: Breaking of any law which carries with it a fine or other penalty.

OFFICER: An official of a New York City (or New York State), affiliated (usually) with either a police department or a court.

PAROLE: (*BEFORE CONVICTION*) The Status of a defendant whereby he is in the custody (short of incarceration) of a specific individual, pending further judicial determination.
(*AFTER CONVICTION*) The status of an imprisoned convict after an authorized Parole Board has released him from incarceration, under specific conditions of behavior and reporting.

PENAL LAW: Those New York State statutes (acts) which define (and otherwise describe) offenses which can lead to the arrest and conviction of the offender.

PINS: Person in Need of Supervision. See Appendix A.

PLEA: A formal statement by a defendant, before a Court, that he considers himself guilty/not guilty of a charge, or that he will not contest (NOLO CONTENDERE) the charge.

PLEA BARGAINING: An activity engaged in by opposing counsel, sometimes with Court approval, intended to arrive (before trial or before conviction) at a plea (by the defendant) acceptable to both parties.

POLICE OFFICER: A member of the New York City Police Department authorized to arrest individuals.

PRECINCT: A geographical subdivision of the Police Department's jurisdiction.

PRISONER: An individual who has been incarcerated by an officer.

PROBATION: A sentence delivered by a judge, whereby a defendant (while convicted of the offense charged) is free to move about as long as he does not violate certain specified conditions, and, if he does violate them, can be remanded to custody.

PROSECUTE: Pursue charges against a defendant until final resolution.

RECITE HIS RIGHTS: Recite to an arrestee specific rights he has from that moment on, such as the right to remain silent and the right to counsel. See MIRANDA DECISION.

RECOGNIZANCE: (*on his own...*) A method of releasing a defendant whereby he promises to return to Court when indicated, even though he has not been required to post bail or has not been remanded to anyone's custody.

RELEASE: Action/Statement by which a suspect/defendant is free to leave the place where he is being held.

REMAND: To send an individual back into custody.

SEAL A FILE: Keep it unavailable for examination at any time unless legally authorized.

SENTENCE: A statement by a judge that an individual, guilty of an offense, is to be incarcerated (for a specified period of time and in a specified facility) and/or required to pay a fine.

SUMMONS: A document legally requiring an individual to appear at a specified date, place and time for further action in his case.

SUSPECT: An individual who is believed, by a Police Officer, to have committed a violation, but who is not (yet) a defendant.

SUSPENDED SENTENCE: A decision by a judge, communicated to an individual guilty of an offense, that he need not meet the terms of the sentence as long as he fulfills specified requirements.

TESTIFY: Under oath, to make statements/answer questions/submit other evidence in a trial or hearing.

TRIAL: A formal activity before a judge (with or without a Jury), where counsel make statements/examine witnesses and the judge declares the defendant guilty or not guilty.

VIOLATION: An offense for which the sentence cannot exceed 15 days in jail.

WARRANT (OF ARREST): An order issued by a judge commanding the arrest of an individual.

WITNESS: An individual who saw/heard an act leading to an arrest; an individual who testifies at a hearing or trial.

APPENDIX A

PERSONS IN NEED OF SUPERVISION (PINS)

The following statement was provided by Edith Miller, Deputy Administrative Judge, Family Division:

With the establishment of the Family Court in 1962, a new concept was developed of a "Person in Need of Supervision" — a PINS child. Many people are confused about the difference between a PINS child and a Juvenile Delinquent, and tend to co-mingle the two groups.

The activities of a Juvenile Delinquent are criminal in nature — for example, stealing a bike, shoplifting, destruction of someone's property and so forth. The activities of a PINS child are what we call "Status Offenses". Essentially this means noncriminal conduct in which no court could interfere if that same conduct was done by an adult. It is the AGE of the child that justifies intervention. In New York we are talking about children who are less than 16 years old.

For example, a PINS child may not go to school regularly or on time. (Some adults, however, have poor work habits, drifting from job to job or regularly going to work late, and the state cannot interfere with that lifestyle.) A PINS child may often come home at one or two o'clock in the morning or sometimes stay out all night. (Many husbands and wives share that same complaint, and the state cannot interfere with that lifestyle.) A PINS child may drink alcoholic beverages to excess, engage in promiscuous sexual relations or use drugs. (Unfortunately, our newspapers and magazines are full of stories glorifying movie and rock stars who engage in the same behavior and the state cannot interfere with that lifestyle.)

Therefore, under the law Juvenile Delinquents and PINS are recognized as two separate classifications and are treated accordingly.

APPENDIX B

JUVENILE DELINQUENT VS JUVENILE OFFENDER

The following statement was taken from the Annual Report, Department of Juvenile Justice City of New York March 1, 1981 - February 28, 1982 by permission of Paul Strasburg, Commissioner of Juvenile Justice:

As defined in the Family Court Act, a juvenile delinquent, (JD), is "a person over seven and less than sixteen years of age who, having done an act that would constitute a crime, (i) is not criminally responsible for such conduct by reason of infancy, or (ii) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the Criminal Procedure Law." N.Y. Family Court Act Section 712(a) (McKinney 1979).

Juvenile delinquents are subject to the jurisdiction of the Family Court and are remanded for detention to the custody of the Commissioner of Juvenile Justice by judges of the Family Court.

As defined in the Penal Law and Criminal Procedure Law, a juvenile offender, (JO), is "(1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two Section 125.25 of the penal law; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of Section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; Section 135.25 (kidnapping in the first degree; 150.20 (arson in the first degree); subdivisions one and two of Section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of Section 130.50 (sodomy in the first degree); 130.70 (aggravated sexual abuse); 140.50 (sodomy in the first degree); subdivision one of Section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree) or subdivision two of Section 160.10 (robbery in the second degree) of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree." N.Y. Penal Law Section 10.00(18) and N.Y. Criminal Procedure Law Section 1.20(42) (McKinney 1979).

Juvenile offenders are subject to the jurisdiction of the criminal courts. Those for whom bail is not set or who are unable to meet bail conditions are remanded for detention to the custody of the Commissioner of Juvenile Justice.